

From: [Matthiessen, Craig](#)
To: [Tulis, Dana](#); [Cohen, Nancy](#); [Beasley, Lynn](#)
Cc: [Stanton, Larry](#); [Irizarry, Gilberto](#)
Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today
Date: Friday, January 17, 2014 12:59:52 PM

Hi; the chemical that was discharged is not an oil. Need to make a fix in that regard in your intro. Was more than one tank involved? The intro should be:

The chemical spilled does not meet the definition of an oil and/or oil product and therefore the tank(s) that discharged the substance is/are not regulated under SPCC. EPA is working with the State on addressing other appropriate regulatory authorities.

Craig

-----Original Message-----

From: Tulis, Dana
Sent: Friday, January 17, 2014 12:52 PM
To: Cohen, Nancy; Beasley, Lynn
Cc: Stanton, Larry; Irizarry, Gilberto; Matthiessen, Craig
Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Nancy, this is rather technical, but bottom line, the constituents do not meet the definition oil and oil products and therefore the tanks that discharged the oil are not regulated under the SPCC regulations. EPA is working with the State on addressing under appropriate regulatory authorities.

Here are the more technical details.

The SPCC regulations apply to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines. 40 CFR 112.1(b). Upon sale of the facility in 2001, bulk storage of petroleum based products ceased. Freedom Industries, Inc., a chemical distributor, currently operates the facility. We understand the facility currently stores crude glycerin which is comprised of up to 10% animal fat, vegetable oil or biodiesel. Therefore the crude glycerin is an oil subject to the SPCC regulations and the tank capacity is of such a volume that the tank or tanks storing crude glycerin would be regulated under the SPCC regulations. However, this does not trigger any facility wide responsibilities, the boundaries are the applicable portion of the facility. It is our further understanding that the tank or tanks that did discharge did not contain the crude glycerin and are not subject to the SPCC regulations.

-----Original Message-----

From: Cohen, Nancy
Sent: Friday, January 17, 2014 12:36 PM
To: Tulis, Dana; Beasley, Lynn
Cc: Stanton, Larry; Irizarry, Gilberto
Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Thanks, Dana. Will do. nancy

-----Original Message-----

From: Tulis, Dana
Sent: Friday, January 17, 2014 12:36 PM
To: Cohen, Nancy; Beasley, Lynn

Cc: Stanton, Larry; Irizarry, Gilberto

Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Nancy, stay tuned, I have a better response for you.

-----Original Message-----

From: Cohen, Nancy

Sent: Friday, January 17, 2014 12:32 PM

To: Beasley, Lynn

Cc: Stanton, Larry; Tulis, Dana

Subject: FW: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Lynn: I've been out sick and am playing catch up. I think our response is the SPCC did not apply because the facility did not use oil. No SPCC no inspection. Is this okay to send to the reporter or is there something else we should say? Oh, and OECA should handle the enforcement question.

Thanks, nancy

-----Original Message-----

From: Jones, Enesta

Sent: Friday, January 17, 2014 11:48 AM

To: Cohen, Nancy; Thomas, Latosha; Deitz, Randy; Smith, Bonnie; duteau, helen

Subject: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Please see below.

From: David Beard <dbeard@dominionpost.com>

Sent: Friday, January 17, 2014 11:29:14 AM

To: Jones, Enesta; Milbourn, Cathy; Valentine, Julia

Subject: west virginia chemical spill

Hi all,

The Region 3 press contact is apparently on vacation, so I am writing to you for assistance. I hope one or all can help.

You may be aware of the above-ground storage tank leak at the Freedom Industries site in Charleston, WV, the led to the chemical spill that shut down our water supply for some time.

An expert from West Virginia University said this morning that an EPA SPCC plan should have been in place and apparently wasn't.

I'd like to find out if a plan was in place, if the EPA or appropriate agency conducted inspections in keeping with the plan, and if the EPA had any enforcement issues associated with Freedom Industries. I may have follow-up questions depending on your answers. My deadline is 5 p.m. today. I would request an acknowledgement of receipt.

Thanks,

David Beard

Reporter

The Dominion Post

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